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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.4755 of 2018
Date of Decision: 05.04.2018

Sanwar Khan

..... Petitioner

Versus

U.T. Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Naresh Chander, Advocate,
for the petitioner.

Mr. Gautam Dutt, Additional Public Prosecutor,
for U.T., Chandigarh.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioner seeks his release on regular bail in F.I.R. No.217, dated 28.10.2017, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Maloya, Chandigarh.

2. The petitioner is in judicial custody since 28.10.2017.

3. Ld. Counsel for the petitioner has drawn attention of the Court to the decision of a Division Bench of this Court in “**Saleem Mohd. Vs. State of Punjab**”, **2015(25) R.C.R.(Criminal) 816**, wherein it was observed, *inter alia*:-

“6. *The petitioner relies upon Rule 66 of*

the Narcotic Drugs and Psychotropic Substances Rules, 1985 to contend that even without any medical prescription, 100 doses of such like Psychotropic substance could be retained by him.

7. *Having heard learned counsel for the parties and taking into consideration the total custody period of the petitioner; his past antecedents and the legal submission based upon Rule 66 ibid but without expressing any final opinion in relation thereto, we are satisfied that no useful purpose shall be served by keeping the petitioner behind the bars and as such he deserves to be granted the concession of regular bail.”*

4. In the present case, the recovery allegedly made from the petitioner was of 12 injections of Bupernorphine 2 ml. each and 12 injections of Pheniramine 10 ml. each. It further transpires that he is not involved in any other case under the Narcotic Drugs and Psychotropic Substances Act, 1985.

5. In this view of the matter and relying upon the aforesaid decision of the Division Bench, at this stage the present petition is allowed and the petitioner, namely Sanwar Khan son of Saleem Khan, is directed to be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

05.04.2018

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No